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EXAMINER

VIEAUX, GARY

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,429

Applicant(s)

EDWARDS ET AL.

Examiner

Gary C. Vieaux

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Change of Examiner

The prosecution of this application has been transferred to Examiner Gary C. Vieaux from the docket of Examiner Jeremy R. Elder. Any inquiry concerning this or earlier communications should be directed to the current Examiner of record. Current contact information is provided in the last section of this communication.

Claim Objections

10 **Claim 45** is objected to because of the following informalities:

the limitation "said imaging device" is recited on line 4, there is insufficient antecedent basis for this limitation in the claim;

the limitation "said data destination" is recited on line 4, there is insufficient antecedent basis for this limitation in the claim.

15 Appropriate correction is required.

Amendment

The Amendment filed January 3, 2005 has been received and made of record. In response to the first Office Action, the Specification, as well as claims 17, 21, and 27
20 have been amended.

In response to Applicant's amended Specification, the Examiner finds the amendment directly addresses the previous inconsistencies between the Drawings and the Specification, and therefore, the objection to the Drawings is hereby withdrawn.

Regarding the required Title change, Applicant's arguments have been reviewed, but the Examiner concurs with the previous Office Action; in that the title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

5 The following title is suggested: SYSTEM AND METHOD FOR
AUTOMATICALLY TRANSFERRING DATA FROM AN ELECTRONIC CAMERA
DEVICE.

Response to Arguments

10 Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed January 3, 2005, with respect to claim 45 have been fully considered but are not persuasive.

15 Regarding claim 45, Applicant submits, on page 13 of the Remarks, that the Allen reference (US 5,737,491), in light of the specification, does not anticipate or make obvious the Applicant's invention as provided for by the "means-plus-function" language of the claim. The Examiner respectfully disagrees.

20 The language of claim 45 is as follows: "A system for transferring data, comprising: means for capturing said data into data buffers; means for receiving said data for subsequent access by a system user; and means for transferring said data from said imaging device to said data destination."

First, the Specification provides means for capturing said data into data buffers that includes a camera (fig. 1 indicator 110) in which image data is routed to a control module for processing and storage (p. 9 lines 3-7); the control module having memory (fig. 3 indicator 346) which may "be implemented as one of more appropriate storage
5 devices, including, but not limited to, read-only memory, random-access memory, and various types of non-volatile memory, such as floppy disc devices, hard disc devices, or flash memory (p. 9 lines 21-25), and included within this memory is space allocated for data buffers (fig. 4 indicator 422.) Correspondingly, the Allen reference provides means for capturing said data into data buffers that includes a digital camera (fig. 1 indicator
10 10) for capturing images into temporary memory storage (fig. 1 indicator 22, col. 2 lines 38-40.)

Second, the Specification provides means for receiving said data for subsequent access by a system user that includes data being provided to a location or service on the internet or other distributed computer network (p. 10 lines 20-22.) Correspondingly,
15 the Allen reference provides means for receiving said data for subsequent access by a system user that includes a server (fig. 1 indicator 34) that receives data from the imaging device (fig. 1 indicator 10 - camera) for subsequent storing or further transmitting to an email address by a system user (col. 2 lines 1-7), and also provides for transmission from the server via internet, satellite, ISDN, or conventional telephone
20 lines, or removable media (col. 3 lines 31-48.)

Finally, the Specification provides means for transferring said data from said imaging device to said data destination that includes I/O used to communicate with

various input or output entities, that may include, but are not limited to, network(s), a host computer, a cellular telephone, wireless communications, and removable storage media (p. 12 lines 17-20.) Correspondingly, the Allen reference provides means for transferring said data from said imaging device to said data destination that includes a
5 wireless transceiver (fig. 1 indicator 32) for transferring said data from said imaging device (fig. 1 indicator 10 - camera) to said data destination (fig. 1 indicator 32 - server, col. 3 lines 11-14.)

Based on the foregoing comparisons, it is demonstrated that each of the limitations of the instant application, as claimed and written, are also found within the
10 Allen reference, and therefore the rejection to claim 45 is maintained by the Examiner.

Regarding claim 44, it is noted that Applicant did not raise any specific arguments that can be address in regards to that particular claim.

In response to Applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection
15 does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

In response to Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon
20 hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

Art Unit: 2612

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claim Rejections

Claim Rejections - 35 USC § 102

5 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

10 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 21-22, 24, 42 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanevsky et al. (US 6,393,470.)

15 Regarding claim 1, Kanevski discloses a system for transferring data comprising an imaging device configured to capture said data into data buffers (col. 3 line 67 – col. 4 line 1), a data destination configured to receive said data from said imaging device for subsequent access by a system user (fig. 1 indicators 100 and 101), and a transfer manager for transferring said data from said imaging device to said data destination (fig. 2 indicator 203, col. 4 lines 1-9), said transfer manager automatically transferring said data if said data stored in said data buffers exceeds a predetermined threshold amount (col. 4 lines 33-41.)

20 Regarding claim 2, Kanevski discloses all the limitations of claim 2 (see the 102(b) rejection to claim 1 supra) including disclosing a system wherein said transfer manager utilizes a wireless communications technique to transfer said data over a wireless network from said imaging device to said data destination (col. 3 lines 20-23.)

Regarding claim 4, Kanevski discloses all the limitations of claim 1 (see the 102(b) rejection to claim 1 supra), in addition to disclosing a system wherein an information source provides identification information to said imaging device for routing said data during a data transfer procedure (fig. 2 indicator 205, col. 4 lines 47-51), said
5 identification information including at least one of a user identifier for identifying said imaging device and a destination identifier for identifying said data destination (col. 4 lines 50-51.)

Regarding claims 21-22 and 24, although the wording is different, the material is considered substantively equivalent to claims 1-2 and 4, respectively, as discussed
10 above.

Regarding claim 42, Kanevski discloses all the limitations of claim 21 (see the 102(b) rejection to claim 1/21 supra), in addition to disclosing a method wherein said imaging device includes a conversion software module for converting said data from a first format that is compatible with said imaging device into a second format that is
15 compatible with said data destination (col. 4 lines 54-67.)

Regarding claim 43, Kanevski discloses all the limitations of claim 21 (see the 102(b) rejection to claim 1/21 supra), in addition to disclosing a method wherein said transfer manager transmits said data from said imaging device to said data destination by utilizing a cellular telephone network (col. 3 lines 8-25.)

Claim 44 is rejected under 35 U.S.C. 102(e) as being anticipated by Allen et al. (US 5,737,491.)

Regarding claim 44, Allen et al. disclose a system where that captures data and stores the data into data buffers (temporary memory storage 22) by utilizing an imaging device (camera 10) as well as utilizing a data destination (server 34) to receive said data for subsequent access by a system user, and transferring the data from the imaging device (camera 10) to said data destination by utilizing a transfer manager (wireless transceiver 32). However, although Allen et al. does not expressly disclose details of a computer readable medium that is programmed to run the above steps, but it is inherent that the camera has such a medium since the camera is run by a microprocessor 20.

10

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

15

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al. (US 6,393,470) in view of Allen et al. (US 5,737,491.)

25

Regarding claim 3, Kanevski discloses all the limitations of claim 1 (see the 102(b) rejection to claim 1 supra); in addition to disclosing a system wherein said imaging device is implemented as a digital camera device (col. 8 lines 50-51), and wherein said data includes image data and related information (col. 5 lines 2-10), but does not disclose wherein the data includes related identification information.

Nevertheless, Allen discloses a system for transferring data that includes image data and related identification data (col. 4 lines 55-57.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include identification information as taught by Allen, with the system as taught by Kanevski, for the purpose
5 of being able to specifically identify the source of the images (via camera ID.)

Claims 5, 25 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al. (US 6,393,470) in view of Examiner's Official Notice.

Regarding claim 5, Kanevski discloses a system that includes all of the limitations of claim 4 (see the 102(b) rejection to claim 4 supra) including disclosing a
10 system wherein said imaging device captures said data using a capture subsystem, and then temporarily stores said data into data buffers (fig. 2, col. 3 lines 64-67), said data buffers employing a reduced memory-size configuration (col. 1 lines 22-25.) However, Kanevski does not expressly disclose said data buffers being economically implemented.

15 Nevertheless, Official Notice is taken regarding the relationship between memory space and memory cost, with the cost of the memory space increasing with an increase in memory size; a concept that is well known and accepted in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to limit the storage capacity within a camera, particularly a camera capable of automatically freeing
20 overloaded storage as taught by Kanevsky, in order to reduce the associated costs of the memory space, and therefore the cost of the camera as a whole.

Regarding claim 25, although the wording is different, the material is considered substantively equivalent to claim 5, as discussed above.

Regarding claim 41, Kanevski discloses all the limitations of claim 21 (see the 102(b) rejection to claim 1/21 supra), in addition to disclosing a method wherein said
5 imaging device is economically implemented without removable storage media capabilities (fig. 2 indicator 201, col. 2 lines 5-7.) However, Kanevski is silent as to the imaging device being economically implemented without removable storage media capabilities.

Nevertheless, Official Notice is taken regarding the relative costs of removable
10 memory versus internal memory, with the cost of the removable memory being higher in cost than an equivalent internal memory, due to the costs associated with the removable memory itself, as well as the costs associated with the integration of the removable memory with the camera; a concept that is well known and accepted in the art. It would have been obvious to one of ordinary skill in the art at the time of the
15 invention to implement the camera with strictly internal memory as taught by Kanevsky, for the purposes of, first, avoiding the costs associated with a removable memory, and therefore the reducing cost of the camera as a whole, particularly as the data within the device is transferable to a data destination without the requirement of removal, and second, avoiding the costs associated with the possible loss and replacement of a
20 removable memory.

Claims 6-10, 12, 15, 17-20, 26-30, 32, 35 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al. (US 6,393,470) in view of Examiner's Official Notice, in further view of Strandwitz et al. (US 6,522,352.)

Regarding claim 6, Kanevski, in view of Examiner's Official Notice, discloses a
5 system that includes all of the limitations of claim 5 (see the 103(a) rejection to claim 5 supra) in addition to disclosing a system wherein said transfer manager performs an arbitration procedure with a wireless communications network to transfer said data to said data destination (col. 6 lines 30-41.) However, Kanevski is not found to expressly disclose said transfer manager being authorized by said wireless communications
10 network to perform said data transfer procedure when sufficient bandwidth is available on said wireless communications network for transferring all or a specified portion of said data.

Nevertheless, Strandwitz discloses arbitration of bandwidth upon a wireless network in which a camera is not allowed to transfer data unless the transfer is operable
15 within the available bandwidth (col. 11 lines 34-44.) It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate controlling the transfer of data when sufficient bandwidth is available within a wireless network as taught by Strandwitz, with the system as taught by Kanevski in view of Examiner's Official Notice, as a means to transfer images from an imaging device to a data
20 destination for the benefit of creating a system that does not have the camera tethered to the data destination by a dedicated data transmission wire.

Regarding claim 7, Kanevski, in view of Examiner's Official Notice, and Strandwitz disclose a system that includes all of the limitations of claim 6 (see the 103(a) rejection to claim 6 supra) in addition to disclosing a system wherein said transfer manager monitors said data buffers, and automatically initiates said arbitration
5 procedure whenever said data stored in said data buffers reaches said predetermined threshold amount ('470 – col. 4 lines 32-38.)

Regarding claim 8, Kanevski, in view of Examiner's Official Notice, and Strandwitz disclose a system that includes all of the limitations of claim 6 (see the 103(a) rejection to claim 6 supra) in addition to disclosing a system wherein said
10 transfer manager initiates said arbitration procedure in response to a system-user authorization event that is caused by a system user activating a user interface on said imaging device ('470 – col. 4 lines 32-38, which would inherently occur upon a user capturing the particular image that causes memory used to be greater than 80%.)

Regarding claim 9, Kanevski, in view of Examiner's Official Notice, and
15 Strandwitz disclose a system that includes all of the limitations of claim 6 (see the 103(a) rejection to claim 6 supra) in addition to disclosing a system wherein said transfer manager transfers said data from said data buffers to said wireless communications network for transmitting to said data destination ('470 – fig. 1, col. 3 lines 18-26.)

20 Regarding claim 10, Kanevski, in view of Examiner's Official Notice, and Strandwitz disclose a system that includes all of the limitations of claim 9 (see the 103(a) rejection to claim 9 supra) in addition to disclosing a system wherein said

Art Unit: 2612

transfer manager and a display manager provide status information regarding at least one of said data transfer procedure ('470 – fig. 4, col. 6 line 51 – col. 7 line 29) and said arbitration procedure by utilizing a user interface of said imaging device.

Regarding claim 12, Kanevski, in view of Examiner's Official Notice, and

5 Strandwitz disclose a system that includes all of the limitations of claim 9 (see the 103(a) rejection to claim 9 supra) in addition to disclosing a system wherein said wireless communications network routes said data from said imaging device to said data destination, said wireless communication network identifying said data destination by referring to said destination identifier from said identification information ('470 – fig. 4
10 indicator 402, col. 4 lines 50-51.)

Regarding claim 15, Kanevski, in view of Examiner's Official Notice, and

Strandwitz disclose a system that includes all of the limitations of claim 12 (see the 103(a) rejection to claim 12 supra) as well as teaching a system in which a negative acknowledgement message is sent if data is not received correctly, and which provides
15 an opportunity to repeat the data transmission (col. 8 lines 58-67.) It would have been obvious to one of ordinary skill in the art at the time of the invention for the controller of said data destination to send an error message to said imaging device by said wireless communications network after determining that said data and said identification
information have not been successfully received, and said transfer manager
20 responsively repeating said data transfer procedure to retransmit said data from said data buffers to said data destination, for the purpose of being able to know if the data transmission was received, and for the purpose of enabling the system to continue to

function without unnecessary user intervention when an unsuccessful transmission occurs.

Regarding claim 17, Kanevski, in view of Examiner's Official Notice, and Strandwitz disclose a system that includes all of the limitations of claim 9 (see the 103(a) rejection to claim 9 supra) in addition to disclosing a system wherein a controller of said data destination analyzes said user identifier from said identification information to identify at least one of said system user ('470 – col. 6 lines 59-60) and said imaging device, said controller then associating said data with said at least one of said system user ('470 – col. 6 lines 60-62) and said imaging device.

Regarding claim 18, Kanevski, in view of Examiner's Official Notice, and Strandwitz disclose a system that includes all of the limitations of claim 17 (see the 103(a) rejection to claim 17 supra) in addition to disclosing a system wherein said controller stores said data into a data file location that uniquely correspond with, and is identifiable with, said at least one of said system user ('470 – col. 6 lines 60-62) and said imaging device.

Regarding claim 19, Kanevski, in view of Examiner's Official Notice, and Strandwitz disclose a system that includes all of the limitations of claim 18 (see the 103(a) rejection to claim 18 supra) in addition to disclosing a system wherein said system user subsequently accesses and utilizes said data from said data file location of said data destination by communicating with said data destination with an electronic data-access device ('470 – col. 2 lines 42-44.)

Regarding claim 20, Kanevski, in view of Examiner's Official Notice, and Strandwitz disclose a system that includes all of the limitations of claim 19 (see the 103(a) rejection to claim 19 supra) in addition to disclosing a system wherein said system user accesses said data file location of said data destination through a distributed computer network by utilizing a personal computer device ('470 – col. 2 lines 42-44, col. 3 lines 8-26.)

Regarding claims 26-30, 32, 27-40, although the wording is different, the material is considered substantively equivalent to claims 6-10, 12, 17-20, respectively, as discussed above.

10

Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al. (US 6,393,470) in view of Examiner's Official Notice, in view of Strandwitz et al. (US 6,522,352), in further view of Scorse et al. (US 5,128,776.)

Regarding claim 11, Kanevski, in view of Examiner's Official Notice, and Strandwitz discloses a system that includes all of the limitations of claim 9 (see the 103(a) rejection to claim 9 supra) but are not found to disclose details on the transfer method of data transfer to the data destination.

Nevertheless, Scorse et al. disclose a prioritized image transmission system where data is transmitted in the form of multiple message blocks. Each block is checked for error and if errors are found, the receiver sends a list of bad blocks back to the transmitter requesting those be resent (col. 8, lines 25-53). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the systems taught by

20

Kanevski, in view of Examiner's Official Notice, and Strandwitz et al. by using a method of partial data transfer as taught by Scorse for the benefit of having efficient means for detecting data transfer errors.

Regarding claim 31, although the wording is different, the material is considered
5 substantively equivalent to claim 11, as discussed above.

Claims 13-14, 16 and 33-36 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Kanevsky et al. (US 6,393,470) in view of Examiner's Official Notice,
in view of Strandwitz et al. (US 6,522,352), in further view of Callaghan et al. (US
10 6,058,304.)

Regarding claim 13, Kanevski, in view of Examiner's Official Notice, and
Strandwitz discloses a system that includes all of the limitations of claim 12 (see the
103(a) rejection to claim 12 supra) but are not found to disclose a system wherein a
controller of said data destination sends a transfer confirmation to said imaging device
15 by said wireless communications network after successfully receiving said data and said
identification information.

One of ordinary skill in the art of transmitting data, when faced with the problem
of verifying if data was or was not received, would look to the solutions of others faced
with verification of the reception of data. One such solution is the use confirmation
20 signals. Callaghan (US 6,058,304) teaches sending a message to confirm whether
successful transmission of data has occurred and then displays the message to a user
(col. 12 lines 7-11.) It would have been obvious to one of ordinary skill in the art at the

time of the invention to include a message to signify a successful transfer as taught by Callaghan with the system as taught by Kanevski, in view of Examiner's Official Notice, and Strandwitz so that a user would know if the transmission was successful.

Regarding claim 14, Kanevski, in view of Examiner's Official Notice, Strandwitz
5 and Callaghan disclose a system that includes all of the limitations of claim 13 (see the 103(a) rejection to claim 13 supra) as well as disclosing a system wherein said transfer manager and a display manager display said transfer confirmation on a user interface of said imaging device ('304 – col. 12 lines 7-11.) However, although none of the references are found to explicitly disclose an imaging device also erasing said data from
10 said data buffers in response to said transfer confirmation, Kanevski is found to teach a data destination sending instructions for the erasure of data after a transfer has occurred (col. 6 lines 9-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to erase the data as taught by Kanevski, after successful transfer of data has been confirmed as taught by Kanevski, in view of Examiner's
15 Official Notice, Strandwitz and Callaghan, so that not only is the system free to acquire more data, but the user is also in possession the knowledge that he/she is free to acquire more data, without the fear or uncertainty of not having enough memory for further acquisitions.

Regarding claims 33, and 34, although the wording is different, the material is
20 considered substantively equivalent to claims 13 and 14, respectively, as discussed above.

Regarding claim 16, Kanevski, in view of Examiner's Official Notice, Strandwitz and Callaghan disclose a system that includes all of the limitations of claim 15 (see the 103(a) rejection to claim 15 supra) as well as including a teaching by Callaghan of a system wherein an message is received and displayed if a transmission is unsuccessful
5 ('304 – col. 12 lines 7-11), and a teaching by Kanevski of a system that stores the data until instructed to erase it ('470 – col. 6 lines 9-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the display of an error message as taught by Callaghan, in combination with continuing to store data until successful transfer is verified, within the system as taught by Kanevski, in view of
10 Examiner's Official Notice, Strandwitz and Callaghan, for the purpose of not only ensuring that data is not removed from the imaging device until it has been successfully transferred to another location, but also for notifying the user that a transfer of data was unsuccessful and therefore amount of available memory for additional acquisition has not been increased.

Regarding claim 35, Kanevski, in view of Examiner's Official Notice, Strandwitz and Callaghan disclose a system that includes all of the limitations of claim 34 (see the 103(a) rejection to claims 14/34 supra), as well as disclosing a system wherein said transfer manager and a display manager display said transfer confirmation on a user interface of said imaging device ('304 – col. 12 lines 7-11.) However, although none of
20 the references are found to explicitly disclose an imaging device also erasing said data from said data buffers in response to said transfer confirmation, Kanevski is found to teach a data destination sending instructions for the erasure of data after a transfer has

Art Unit: 2612

occurred (col. 6 lines 9-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to erase the data as taught by Kanevski, after successful transfer of data has been confirmed as taught by Kanevski, in view of Examiner's Official Notice, Strandwitz and Callaghan, so that not only is the system free to acquire
5 more data, but the user is also in possession the knowledge that he/she is free to acquire more data, without the fear or uncertainty of not having enough memory for further acquisitions.

Regarding claim 36, Kanevski, in view of Examiner's Official Notice, Strandwitz and Callaghan disclose a system that includes all of the limitations of claim
10 35 (see the 103(a) rejection to claim 35 supra), as well as including a teaching by Callaghan of a system wherein an message is received and displayed if a transmission is unsuccessful ('304 – col. 12 lines 7-11), and a teaching by Kanevski of a system that stores the data until instructed to erase it ('470 – col. 6 lines 9-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the
15 display of an error message as taught by Callaghan, in combination with continuing to store data until successful transfer is verified, within the system as taught by Kanevski, in view of Examiner's Official Notice, Strandwitz and Callaghan, for the purpose of not only ensuring that data is not removed from the imaging device until it has been successfully transferred to another location, but also for notifying the user that a transfer
20 of data was unsuccessful and therefore amount of available memory for additional acquisition has not been increased.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
5 MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
10 the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the
15 examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-
7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number
for the organization where this application or proceeding is assigned is 703-872-9306.

20 Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2612

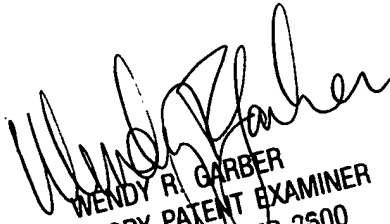
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